

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HAYWOOD WILLIAMS, JR., :
Plaintiff, :
vs. : NO: 3:98-CV-1598
: (JUDGE CAPUTO)
FEDERAL BUREAU OF :
PRISONS; PAROLE :
COMMISSION; JOHN :
FANELLO, Warden USP :
Allenwood; VALERIE KEPNER, :
Acting Supervisor of Education :
USP Allenwood :
Defendants. :

MEMORANDUM ORDER

Plaintiff Haywood Williams, Jr. (also known as Haywood Williams-Bey), a federal inmate currently incarcerated at the Federal Correctional Institution in Petersburg, Virginia, filed the present action on September 29, 1998. (Doc.1.) Plaintiff filed an Application To Proceed In Forma Pauperis, which was granted on June 2, 1999. (Doc. 30.) On April 27, 2005, Defendants filed a motion to revoke Plaintiff's *in forma pauperis* status under §1915(g). (Doc. 72)

The "three strikes" provision of the Prison Litigation Reform Act ("PLRA"), codified at 28 U.S.C. §1915(g) (West 2005), provides that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff has filed over fifty (50) civil cases and appeals since 1985. (Doc. 73-1 at 4-5.) On January 19, 2005, the District Court of the Eastern District of Virginia, in *William v. Brooks*, No. 04-0081, slip op. (E.D. Va. Jan. 19, 2005), revoked the Plaintiff's *in forma pauperis* status. In doing so, the court relied on a 1981 order of the same district, which placed an injunction against the Plaintiff from filing any more frivolous suits. (Doc. 73-1 at 3.) In the 1981 order, the court issued an injunction based on the fact that from June 1980 to August 1981, Plaintiff has "filed six meritless suits in the [Eastern District of Virginia Court]." (Doc. 73-1 at 4) (quoting *William v. Smith*, No. 80-882-N, Order at 1-2 (E.D. Va. Oct. 2, 1981)). The Court finds that the previous injunction applies to the Plaintiff in this case. Consequently, Plaintiff's *in forma pauperis* status will be revoked.

The Court notes that Plaintiff does not argue that he qualifies for a § 1915(g) exception as he does not allege that he was under imminent danger of physical injury at the time that his complaint was filed.

Now, this 9th day of November, 2005, **IT IS HEREBY ORDERED** that:

- (1) Defendant's motion to revoke Plaintiff's *in forma pauperis* status (Doc. 72) is **GRANTED**.
- (2) Plaintiff's *in forma pauperis* status is **REVOKED**.
- (3) Plaintiff has thirty (30) days to pay the filing fee.
- (4) The Clerk of the Court shall mark this case **CLOSED** if payment is not received within thirty (30) days of the date of this Order.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge